

AIRPORT LAND USE COMPATIBILITY PROGRAM

Program Update

WSDOT Aviation assists local jurisdictions, airports, and other interests protect public use airports from incompatible development by providing technical assistance and resources to support local decision-making. The Airport Land Use Compatibility Program is continually being updated to reflect new research and planning methods to assist local jurisdictions. This paper provides additional information on the program and tools that have been effective for in developing strong comprehensive plan policies and development regulations.

Background

In 1996, the Washington State Legislature amended the Washington State Growth Management Act to require cities and counties to protect airports from incompatible development. The legislature was concerned that land use development trends were negatively impacting airport operations from incompatible uses and development. Senate Bill 6422 was codified to RCW 35.63.250, 35A.63.270, 36.70.547, and 36.70A.510. Provisions within this section apply to GMA and non-GMA jurisdictions (town, city and county) within the state of Washington.

Land Use Laws Affecting Airports

Four primary state land use laws affect development on and around airports:

RCW 14.07 and 14.08 Municipal Airports Act

The act adopted in 1941 and 1945 provides for the acquisition and sponsorship of airports by Washington cities, towns, counties, port districts, and airport districts. There are 140 public use airports within Washington State, which are owned and operated by the following:

- Cities 31%
- Counties 7%
- Port Districts 22%
- WSDOT operated 11%
- Joint City/County 5%

In addition, 22% are privately owned and opened for public use.

RCW 14.12 Airport Zoning

This section was adopted in 1945 and establishes definitions, criteria, and allows local jurisdictions to adopt zoning controls to protect critical airspace from buildings, structures or other airspace obstructions. The law provides direction and guidance to cities and counties on airport hazards.

RCW 36.70A Growth Management Act

The Growth Management Act was adopted in 1990. The Act identifies requirements and processes under which counties and cities are required to act. Within the Act there are several important sections related to airports.

RCW 36.70A.070 outlines mandatory elements within a comprehensive plan, which includes maps, descriptive text covering objectives, principles, and standards, and that the comprehensive plan must also be internally consistent with all elements. This section also requires that an inventory of air, water and ground transportation facilities and services be included. As well, new or amended elements of the Act must be adopted concurrent with scheduled update provided in RCW 36.70A.130.

RCW 36.70A.130 requires that each comprehensive plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. A county or city shall take legislative action to review and, if needed, revise its comprehensive plan and regulations to comply with this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons thereof. Additionally, any amendment of or revision to development regulations shall be consistent with the comprehensive plan.

Airports are also recognized under RCW 36.70A.200 by the state as essential public facilities (EPF). All counties and cities planning under GMA RCW 36.70A.040 are required to protect public use airports as essential public facilities. Jurisdictions are required to develop a siting process for locating EPF and should not prohibit the siting, expansion, or continuation of EPF within their comprehensive plan or development regulations. Nor can jurisdictions develop strategies or develop provisions within their comprehensive plan or development regulation that would render the siting of an EPF impossible, impractical, or incapable of being accomplished, however, it is not inappropriate for a jurisdiction to require applicable conditions or mitigation measures.

RCW 36.70.547, 36.70A.510, 35A.63.270, and 35.60.250 General Aviation Airports

These sections were adopted in 1996 and requires all cities and counties (also applies to city or counties not planning under GMA) to protect public use airports from the siting of incompatible development, whether publicly owned or privately owned public use airports through its comprehensive plan and development regulations. The plans may only be adopted following formal consultation with airport owners and manager, private airport operators, general aviation pilots, ports, and the WSDOT Aviation Division. The law requires that comprehensive plans and regulations be filed with WSDOT Aviation and that each jurisdiction may obtain technical assistance from the WSDOT to develop plans consistent with State Law.

Role of the Federal Aviation Administration (FAA)

The FAA is responsible for the administration of aircraft, aircraft operations, safety and noise. Federal law preempts local regulations in the area of aircraft safety, navigable airspace, flight operations and noise control, which are defined as:

- Airport operations relates to issues in the air and on the ground, including takeoff, flight patterns, air traffic corridors, volume of air traffic, altitudes of air traffic, flight schedules, types, sizes, and purpose of aircraft and related issues.
- Safety relates to issues in the air and on the ground, including the placement of runways, taxiways, air navigation facilities, airport design, runway protection areas, and related issues.
- Noise relates to abatement of aircraft noise and emissions, in the air, during takeoffs and landings, and on the ground, including regulations on aircraft design and size, types of aircraft permitted at an airport, curfews on flight operations and other related issues. “Nor can zoning interfere with the rights of airport sponsors authorized by state law”.

The preemption doctrine does not affect the local government’s ability to use its police powers, particularly land use controls, to anticipate, abate, mitigate and otherwise respond to other land use concerns provided they are reasonable permitting and mitigation requirements, which includes incompatible land uses.

Implementation

Since 1996, many jurisdictions proceeded with the amendment of comprehensive plans and development regulations consistent with the requirement under the law. In 1998, WSDOT Aviation prepared a program overview for local jurisdictions that provides general guidance on how to protect airports from incompatible development. WSDOT Aviation recommends that jurisdictions consider three primary areas: height hazards (uses that may affect critical airspace), noise (over-flight and noise 65 dbl or greater), and safety (historical aircraft accident locations, wildlife hazards and hazardous/explosive materials). Additionally, it is recommended that jurisdictions review airport master plans, airport layout plans, other airport documents, aircraft/pilot characteristics and airport operations.

Local Jurisdiction Responsibilities

Under state law local jurisdictions are required to discourage incompatible development adjacent to public use general aviation airports through adoption of comprehensive plan policies and development regulations. Local jurisdictions must at least have examined and duly considered the materials contained within the guidelines, research and technical information, airport master plans and other supporting documentation when developing or amending comprehensive plans and development regulations. It is recognized that many strategies are available to local jurisdictions when planning for and developing comprehensive plan policies and regulations and can vary from airport to airport and region to region. Jurisdiction should document “show their work” on how

they arrived at their decision and should demonstrate reasons how they will discourage incompatible development adjacent to airports.

WSDOT Aviation encourages ports, special districts, airport sponsors, aviation interests and local jurisdictions to form partnerships and to cooperatively work together to discourage incompatible development. Local jurisdiction, aviation interests and agencies should become familiar with the land use compatibility guidelines, special studies, airport master plan or airport layout plan, FAA airport operations, number and type of based aircraft, historical accident locations, noise issues, height hazards or obstructions, aircraft flight patterns, aircraft and pilot characteristics, and other relevant information. WSDOT Aviation recommends the use of proven, empirical data to develop their land use policies and regulations and therefore the goal of the WSDOT Airport Land Use Compatibility Program is to provide the best available information to cities and countries to allow for informed decision making.

Resource Materials

Resource materials and documents are available on our web site at www.wsdot.wa.gov/aviation/planning. Some of these resources include:

A. Resource Documents and other sources:

- The Growth Management Act 101
- WSDOT Aviation Airports and Compatible Use Guidelines
- City of Yakima, Briefing Paper - Land Use Compatibility and Local Decision Making Process.
- California (Caltran) Airport Land Use Planning Handbook
- Land Use Compatibility and Airports, A Guide for Effective Land Use Planning, FAA Airports Division Southern Region
- Height Hazards
- Aircraft Noise

B. Land Use Planning Tools

- Example Scope of Work
- Example Comprehensive Plan Goals and Policies
- Example Disclosure Notice
- Frequently Asked Questions
- Reference Materials from the FAA, Defense Department, other states, universities, etc..
- Index of Airport Master Plans (City/County, Airport Name, Subject, Year)
- List of Airports by County and MPO/RTPO Regions
- Model Land Use Compatibility Studies

Example Policies
Model Ordinances

Land Use Compatibility RCW 36.70.547 / 36.70A.510

General aviation airports -- Siting of incompatible uses.

Every county, city, and town in which there is located a general aviation airport that is operated for the benefit of the general public, whether publicly owned or privately owned public use, shall, through its comprehensive plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport. Such plans and regulations may only be adopted or amended after formal consultation with: Airport owners and managers, private airport operators, general aviation pilots, ports, and the aviation division of the department of transportation. All proposed and adopted plans and regulations shall be filed with the aviation division of the department of transportation within a reasonable time after release for public consideration and comment. Each county, city, and town may obtain technical assistance from the aviation division of the department of transportation to develop plans and regulations consistent with this section.

Any additions or amendments to comprehensive plans or development regulations required by this section may be adopted during the normal course of land-use proceedings.

This section applies to every county, city, and town, whether operating under chapter 35.63, 35A.63, 36.70, [or] [36.70A](#) RCW, or under a charter.